

**BOARD OF SELECTMEN  
MEETING MINUTES  
February 24, 2003**

**PRESENT:** BRIAN MCDONALD, CHAIRMAN; DOUGLAS R. COOK, CO CHAIRMAN; JONATHAN M. WALLACE, SELECTMAN; THOMAS C. REYNOLDS JR., SELECTMAN.

**GUEST:** Rodman Wilson, Frank Campana, Walter Bohlin, Sherry Butt-Dunham, Denise Dorey, Doug Smith, Gary Chicoine, Steve Burnell, Kelly Lineberry, Carl Knapp

The Selectmen's Meeting was held at the Town Office Building. Chairman McDonald commenced the meeting at 6:30 p.m.

Chairman McDonald asked that everyone stand for the pledge of allegiance.

**1. PUBLIC PARTICIPATION**

Frank Campana - Mr. Campana stated that in reference to the heated meeting on February 27<sup>th</sup>. in regards to the law suit, that he would like to discuss Selectman Jon Wallace's references to the old boy network and the statements he made stating they should reach out to the newer people in town. Mr. Campana questioned Selectman Wallace's definition of an old boy network. Selectman Wallace's reply was that he refuses to answer the question. Mr. Campana then stated that Selectman Wallace is entitled to his opinion, but so what if there is an old boy network. Mr. Campana went on to add that any organization in town is a network, that this is a country of freedoms, he thinks that reaching out to the newer people in town is great, but there are countries and leaders that do that, and we have all seen pictures of kids in other countries running around with guns slung on their shoulders and the leaders that like them to think a certain way, don't be individual, if you think different then I am then your out-stepping the parade or deemed an old boy. Selectman Wallace then commented that it is inappropriate to analyze his remarks and state that his opinion is equal to asking people to get there guns together and force other people to speak a certain way. Selectman Wallace then stated that he believes that there are members of the board that agree with his opinion and certainly people in town that agree with his opinion. Mr. Campana then finished by stating be believed Selectman Wallace's remarks to be harsh, and what he was really looking for was Selectman Wallace's definition of an old boy network which he stated he could not give. Selectman Wallace

then stated that it is not that he can not provide a definition, rather that he refuses to do so.

Denise Dorey - Ms. Dorey questioned the board in regards to the insurance buyout. Ms. Dorey stated that back in January board stated that the buyout amount was 50 percent for the employee. She then asked what the cost of a family plan was. Chairman McDonald responded that the cost of a family plan was somewhere around twelve thousand dollars. Ms. Dorey then questioned how the percentage was reached. Chairman McDonald then responded that the figure was established by the Benefit Review Committee, and compared to other towns and 50 percent was a happy medium. Chairman McDonald also stated that there is also an attempt to get as many people as possible on the plan, and that some people that are not on the plan now would go on the plan if there was a 50 percent pay out. Ms. Dorey stated that six thousand dollars to get people to participate in the buy out is an awful steep amount. Chairman McDonald then explained that it is a savings to the town of six thousand dollars. Selectman Cook then added that it is not costing the town, it is saving the town six thousand. Ms. Dorey once again stated that six thousand dollars is a lot to be giving out for an insurance buyout, especially if a lot of families have two insurance plans. Ms. Dorey then questioned the board as to how it would be viewed if it in the teacher's contract for a 50 percent buy out. Chairman McDonald stated that they probably should have, and that they did not pay attention to the teacher's buyout and again referred to the savings for the town. Ms. Dorey finished by stating that the teachers are the largest employer in the town and the board did not pay attention.

Walter Bohlin - Mr. Bohlin addressed the board regarding what he believes to be a wrong doing in the town. Mr. Bohlin stated that a piece of town property located at 50 Hemlock Drive that went out for sealed bid and the person who won the bid shares a post office box with the town employee that opened the bids. Mr. Bohlin stated that this is cause for an investigation and possible changes in procedure. Mr. Bohlin went on to state that the sealed bid should be opened in the presence of the Selectmen. Also that the winning bid was not dated and timed as to it's arrival. He further went on to add that the property in question was purchased for 26,400 dollars and has been sold for 65,000 dollars. Mr. Bohlin requested the board open an investigation to determine if a criminal act has been committed. Stated that the difference in the sales price was 38,600 dollars. Mr. Bohlin went on to offer suggestions for the process. He stated that when a bank forecloses on a property, it is put up for bid, but the bank also submits a bid which is the minimum amount they feel the property is worth. Ultimately, if the bank is the high bidder, they then sell it privately through a realtor and he believes that the town should also adopt this practice. Although you pay real estate commission, what is the commission compared to the amount of money that is in question. Mr. Bohlin then stated that the board needs to tighten any bid proposals

and that they be opened in their presence, and that any bid not sealed with date and time should be suspect. Selectman Wallace stated that at this point in time they should go to a non public session to discuss details and the board will take it from there. Also stated that it should be discussed privately in case this turns out to be nothing. Mr. Bohlin then replied that even if it turns out to be nothing, the town employee should have come forward to state that the winning bid was made by someone who shares their residence and post office box. Went on to state that he believes it to be possibly criminal and that it should be dealt with in such a way. Mr. Bohlin then stated another issue for the board involving the Cable Committee and the desire to address it in a non public session due to the fact it may effect an individual's reputation. Selectman Wallace responded that the above issues will be addressed in a non public session immediately following public participation.

Sherry Butt-Dunham- Ms. Butt-Dunham questioned the board in regards to the bidding on the safety complex. Co Chairman Cook responded that the board is looking into a construction management company which is on the agenda for this evening. Ms. Butt-Dunham then asked the board if they are simply awarding the contract to a particular construction management company or is the decision up for bid. Selectman Cook then stated that they are looking into one company. Ms. Butt-Dunham then questioned if the town is obligated to go out to bid when working with commercial property and awarding a contract. Selectman Cook's response was no, and also that this practice was used a number of times, giving an example of John Stark High School.

## **2. NONPUBLIC SESSION**

Selectman Cook made a motion that the Board of Selectmen enter into Nonpublic Session at 6:50 p.m. pursuant to RSA 91-A:3 II (a)and(c). Seconded by Chairman McDonald. A roll call vote was taken. Chairman McDonald – yes; Selectman Wallace – yes; Selectman Cook – yes. Motion passed unanimously. Session involving conversation with Mr. Walter Bohlin regarding concerns with the bidding process and also issues involving the Cable Committee.

In Attendance: Chairman McDonald, Selectman Cook, Selectman Wallace, Mr. Walter Bohlin.

Chairman McDonald moved that the Board of Selectmen come out of Nonpublic Session at 7:05 p.m. pursuant to the authority granted in RSA 91-A:3 II (a). A roll call vote was taken. Selectman Reynolds – yes; Chairman McDonald – yes; Selectman Wallace – yes; Selectman Cook – yes. Motion passed unanimously.

### **3. PUBLIC HEARING ELDERLY EXEMPTIONS**

Chairman McDonald began Public Hearing at 7:06 p.m. stating that hearing was posted at Town Office Building, Post Office, Listed on cable television, and in the Union Leader. Chairman McDonald stated the content of Article 43 as follows: Shall we modify the elderly exemptions from property tax in the town of Weare, based on assessed value, for qualified taxpayer, to be as follows: for a person 65 years of age up to 75 years, \$35,000.00; for a person 75 years of age up to 80 years, \$45,000.00; for a person 80 years and older \$250,000.00. To qualify, the person must have been a New Hampshire resident for at least five years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married for at least five years. In addition, the taxpayer must have a net income not more than \$30,000.00; if married, a combined income of not more than \$40,000.00; and own net assets not in excess of \$75,000.00, excluding the value of the person's residence. Chairman McDonald then stated that Selectman Wallace and Mr. Craig Nichols looked at this last year and that the board is looking for a way to help the elderly in town financially. Also stated that how this is done state wide and across the country is by giving elderly exemptions on their property. Went on to state that property values are up and reevaluation comes up in a few years and the board wanted to address this issue before it has gotten to that point. Chairman McDonald then addressed the public for any comments they may have on this subject. Mr. Frank Campana then addressed the board. Mr. Campana stated he has no objection to the article, only a question in the process. He asked the board why there was not a public hearing prior to this going on the ballot. Chairman McDonald then informed Mr. Campana that State law dictates that this has to be done between February 17<sup>th</sup>. and February 24<sup>th</sup>. Chairman McDonald closed Public Hearing at 7:09 p.m.

### **4. NONPUBLIC SESSION**

Selectman Cook made a motion that the Board of Selectmen enter into Nonpublic Session at 7:10 p.m. pursuant to RSA 91-A:3 II (a) and (c). Seconded by Selectman Cook. A roll call vote was taken. Chairman McDonald – yes; Selectman Wallace – yes; Selectman Cook – yes. Motion passed unanimously. Session involving conversation with Mr. Carl Knapp regarding purchase order from Highway Department.

In Attendance: Chairman McDonald, Selectman Cook, Selectman Wallace, Mr. Carl Knapp.

## **5. HIGHWAY DEPARTMENT**

Board had conversation with Mr. Carl Knapp to discuss John Connor Bridge bid and trash and fuel for John Stark High School. Mr. Knapp presented board with the bids for John Connor Bridge. Mr. Knapp stated that the bids were sealed and timed and were witnessed by every contractor that bid along with two engineers. Selectman Cook inquired as to where the bidding was done, and Mr. Knapp replied that it was done at Town Office Building. Mr. Knapp requested the board review and stated he believed all was in order. He went on to state that due to the bidding being done in the middle of winter that the low bid came in at about 60,000 dollars less than anticipated. Mr. Knapp then informed board that he had the letters from SEA and the State of New Hampshire who will fund 80 percent of the project. Mr. Knapp stated that his recommendation is to go with the low bid, and that this particular company, Whitcomb, has done work on both bridges on Reservoir Drive, and Riverdale Bridge and has been satisfied with their work. Also stated that preferred start date is in April. Selectman Wallace made a motion to accept the bid of Frank W. Whitcomb for the John Connor Bridge in the amount of 407,640.00 dollars. Seconded by Chairman McDonald. A vote was taken. Motion passed unanimously. Mr. Carl Knapp then stated he would like to inform the public that once the work is underway, that John Connor Road will be closed on the Reservoir end. Selectman Wallace inquired about an end date. Mr. Knapp replied that the scheduled finish date is October. Mr. Knapp then address the board regarding the trash and fuel at John Stark High School. Mr. Knapp stated that they would like to get fuel at the highway garage. Mr. Knapp stated his only concern was that, if accepted, the billing process be streamlined beforehand. Mr. Knapp stated the next item to discuss is the fact that the school terminated their contract with Waste Management and no longer have dumpsters there. Stated their intentions are to bring all the trash down to the transfer station. Mr. Knapp stated that only problem he has with this is that there has been a great deal of work done to get the recycling to where it is currently. Stated he wants to sit down with them and go over their recycling process. Selectman Wallace stated that they will have to comply with the recycling program in Weare.

## **6. SAFETY COMPLEX**

Board met with Mr. Steve Burnell, regarding construction management for the Safety Complex. Present for the discussion were Mr. Gary Chicoine and Kelly Lineberry from

Chicoine Construction. Mr. Burnell stated that his recommendation for the Safety Complex was construction management. Stated the advantages to construction management are that they handle all the bids from contractors. Mr. Burnell recommended Mr. Gary Chicoine. Mr. Chicoine and Ms. Kelly Lineberry live in town and employees live in town, which keeps cost down if they are right in town and use local people. Mr. Burnell stated Chicoine Construction just did construction on the Center Woods kindergarten. Ms. Lineberry presented board with contract and qualification statement. Ms. Lineberry stated that the board will receive a spreadsheet each month during the process. Chairman McDonald questioned if there is any problem coming before the board each month, to which Ms. Lineberry answered no problem. Selectman Reynolds questioned set fees. Ms. Lineberry stated she has done a preliminary budget and feels confident that they can come in at the amount allowed. Further went on to state that with construction management the money that does not get used, goes back to the town. Selectman Cook inquired about the board's input on selection of materials. Ms. Lineberry stated that there would be no problem with requests for specific materials. Also stated that they are in a position to make sure the town is happy with every sub price. Selectman Wallace questioned Ms. Lineberry as to how they handle over costs as the job is in process. Ms. Lineberry explained that their company has a contract with each sub contractor for an established cost, just as the town will have a contract with the construction management company for an established cost and that over costs will need to be absorbed by the contractor, not the town. Mr. Burnell stated that the town agrees to a guaranteed maximum price. Mr. Chicoine stated that one advantage to choosing his company is that they are a bonded company. Selectman Wallace asked when the project can start. Mr. Chicoine stated that it could start now. Selectman Wallace then inquired about a completion date. Ms. Lineberry stated six months. Selectman Wallace questioned if they believed the job can be done for 1.1 million. Both Mr. Chicoine and Ms. Lineberry replied that it could be. Selectman Reynolds asked if the board were to give a letter of intent tomorrow if they could provide a budget in three weeks. Selectman Wallace questioned the boards requirement or obligation if estimate is over budget. Mr. Chicoine stated that if they have a letter of intent, then they will know for sure in three weeks if they can come in within budget. Selectman Wallace expressed concern as to the board interviewing other contract management companies. Mr. Chicoine stated he believes he is the only bonded company in town. Selectman Reynolds then stated that due to every section of the process getting bided out, there is opportunity for local contractors. Selectman Wallace then stated concern as to the construction management company bidding on certain parts of the job and the opportunity for them to undercut bids. Mr. Chicoine stated that although it is possible, he hopes the town would have enough trust in his company that they would not do that and also he is not going short change himself and bid lower than the actual cost. His company only bid on jobs they feel they would do a better job for a more reasonable

cost. Selectman Wallace questioned if materials are inspected. Mr. Chicoine stated all materials are inspected. Chairman McDonald then asked for the board's input. All members state they are comfortable with this company and this process. Selectman Cook expresses the fact that he would like to have Mr. Carl Knapp involved in the process, as well as having the Fire Department and Police Department involved. Board also stated they feel that Mr. Burnell should be involved with each step of the process. Selectman Wallace makes motion to provide Chicoine Construction with a letter of intent. Chairman McDonald seconded. A vote was taken. Motion was passed unanimously. Selectman Cook then asked Mr. Carl Knapp the procedure for having various towns people working on the project. Mr. Knapp stated that they would need the proper license and also to be drug tested and put in a random drug test pool according to federal law.

## **7. INSURANCE BUYOUT**

Selectman Reynolds stated that board needs to check with attorney to make sure the buyout is ready to go forward. Expressed concern for employee going overseas that requested the buyout.

## **8. OLD BUSINESS**

Board discussed letter regarding Craney Hill Road. Problem with the frontage on a piece of property, and need authorization for a lot line adjustment.

Absentee ballots - Selectman Cook wanted to address absentee ballots. Requested the public take advantage of absentee ballots and to do so, go and sign up at the Town Clerks Office. Available right up until march 10<sup>th</sup>. Prior to ballots being available, they will be mailed to you. Selectman Wallace also voiced the importance of taking advantage of this option.

Lawn care Maintenance - Selectman Cook then addressed the issue of lawn care maintenance, and the contract that is going out to bid. Stated that they will be opening up bids next Monday, March 3<sup>rd</sup>. Selectman Cook stated he had brief discussion with Mr. Matt Pelletier regarding the Cemetery Trustees being in charge of this and also if that could include the town portion of the contract. Selectman Cook then expressed concern regarding the payment schedule for the lawn care maintenance being 25 percent at signing, 25 percent on July 1<sup>st</sup>, 25 percent on September 1<sup>st</sup>, and the balance within 30 days after the end of the contract on November 15<sup>th</sup>. Selectman Cook stated that maybe the payment schedule should be changed to the contractor billing for the work they do, due to the possibility of a contractor not being as willing to perform the work when a payment isn't due for some time. Also, the last payment may

be a problem for small businesses. Selectman Reynolds agrees they should be flexible with payment schedule.

Administrative Coordinator - Selectman Cook stated next to be addressed is the applications for Administrative Coordinator. Selectman Cook suggested they start interviewing this week. It is agreed that board will start to interview on Friday night. Chairman McDonald states they will go into a Nonpublic Session to go over candidates.

South Weare Fire Station - Chairman McDonald then discusses the bids for painting of South Weare Fire Station. Chairman McDonald makes motion to accept bid in the amount of \$2,160.00. Seconded by Selectman Wallace. A vote was taken. Motion passed with 3 in favor, 1 abstention (Selectman Cook).

## **9. NEW BUSINESS**

Selectman Cook stated that the first item for new business is the mailer to voters for articles. Selectman Cook stated that the first line from finance committee states 59 percent increase and that is misleading. Selectman Wallace stated that the budget needs to be separate from all articles and should be put on cover sheet. Chairman McDonald stated that you should be able to see each impact separately. Selectman Wallace states that they should point voters to web site which includes comparison to other towns. Selectman Cook states that the large part of the increase is due to the increase in public safety. Selectman Wallace agrees to write up narrative regarding importance of investing more in public safety. Board went over each Article for the mailer to go out to voters. Mailer scheduled to go out by the end of the week.

Selectman Cook then addressed Wednesday meeting of the Trustees of the Trusts Funds in compliance with right to know law. Stated as ridiculous as it is, and all the extra time that needs to be spent they are in compliance with the right to know law. Selectman Wallace commented that the attorney was in agreement and did suggest the addition of some wording on the vouchers. Selectman Cook then stated that these are foolish games and he only hoped that the people involved not be re-elected.

Selectman Wallace wanted to note that in regards to the warrant article in reference to the growth ordinance that there was a decision in 1996 that directly contradicts Judge Convoy's decision.

Mr. Carl Knapp then gave board pamphlet on new Hampshire public works. Mr. Knapp has been asked to serve on council. Requires half a day, once a month. Asked



board for permission to take the time to serve on the council. Board all agreed that it would be beneficial.

Selectman Cook expressed interest in attending a course on dealing effectively with unacceptable employee behavior. Board members all agreed if the seminar was of interest to Selectman Cook he should attend.

Chairman McDonald wanted to bring to the public's attention a new state program for tax relief. Certain guidelines must be met for single homeowner making under \$20,000 and married making under \$40,000. Information will be available April 15<sup>th</sup>. Chairman McDonald provided number 271-2192 as noted in the Union Ledger.

Chairman McDonald moved for the Board of Selectmen to sign manifest and order the Treasurer to sign checks dated February 24, 2003 for a total of \$287,390.25 for Accounts Payable, \$28,419.02 for Gross Payrolls, for a grand total of \$315,809.27. Seconded by Selectman Reynolds. A roll call vote was taken. Chairman McDonald- yes; Selectman Cook- yes; Selectman Wallace- yes; Selectman Reynolds- yes. Motion passed unanimously.

Selectman Cook makes motion to contact town council regarding potential improprieties with bid process and town employee. Seconded by Chairman McDonald. A roll call vote was taken. Chairman McDonald- yes; Co Chairman Cook- yes; Selectman Wallace- yes; Selectman Reynolds- yes. Motion passed unanimously.

Board of Selectman took moment to inform public that there will be two call-in shows in regards to voting. All encouraged e-mail questions, call, or fax regarding elections.

## **10. NONPUBLIC SESSION**

Chairman McDonald made motion to enter Nonpublic Session at 10:10 p.m. pursuant to RSA 91-A:3 II (b) to review applications for Administrative Coordinator position. Seconded by Selectman Wallace. A roll call vote was taken. Chairman McDonald- yes; Co Chairman Cook- yes; Selectman Wallace- yes; Selectman Reynolds- yes. Motion passed unanimously.

## **11. ADJOURNMENT**

A True Record

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Kelly Bumpus, Recording Secretary